

TITLE 329 SOLID WASTE MANAGEMENT BOARD

IDEM'S SUGGESTED CHANGES TO NEW RULES CONCERNING REMOVAL OF MERCURY SWITCHES FROM END OF LIFE VEHICLES AT 329 IAC 11.5 THAT WERE ADOPTED AT THE MARCH 20, 2007 PUBLIC HEARING

LSA Document #05-250

Revisions made by LSA under the Administrative Rules Drafting Manual (IC 4-22-8-4(a)(2)) and incorporated into the printed version published in the Indiana Register on February 21, 2007 (DIN: 20070221-IR-329050250PRA) have been made in the version of this rule presented to the board for final adoption. These changes are NOT listed in this list of suggested changes.

Page references are to the final rule as adopted by the Solid Waste Management Board at the March 20, 2007 public hearing.

Page 1 329 IAC 11.5-1-1

Following "implement" remove "the" and insert "**certain**".
Remove "Public Law 170-2006" and insert "**IC 13-20-17.7**".

Page 1 329 IAC 11.5-1-3

Remove section 3 and renumber the following sections accordingly.

Page 1 329 IAC 11.5-1-4 (renumbered 329 IAC 11.5-1-3)

Remove the final adopted text and insert the following:

329 IAC 11.5-1-3 Reports

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3; IC 13-20-17.7

Affected: IC 13-20; IC 36-9-30

Sec. 3. (a) A motor vehicle recycler or other person who removes mercury switches from end-of-life vehicles under IC 13-20-17.7-5 shall report the following to the department by January 31 of each year using the form provided by the department:

- (1) The number of end of life vehicles processed for recycling during the previous calendar year.**
- (2) The number of end of life vehicles processed during the previous calendar year that contained mercury switches.**
- (3) The number of mercury switches the person collected and sent for recycling during the previous calendar year.**
- (4) The number of mercury switches remaining in the motor vehicle recycler's or other person's possession at the end of the calendar year.**

(b) A motor vehicle recycler or other person who removes mercury switches from end-of-life vehicles under IC 13-20-17.7-5 shall keep a copy of the report submitted to the department under this section for three (3) years. (Solid Waste Management Board; 329 IAC 11.5-1-3)

Page 2 329 IAC 11.5-1-5

Remove section 5.

Page 2 329 IAC 11.5-1-6 (renumbered 329 IAC 11.5-1-4)

Remove the final adopted text and insert the following:

329 IAC 11.5-1-4 Rule compliance

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3; IC 13-20-17.7-7

Affected: IC 13-20; IC 36-9-30

Sec. 4. (a) A motor vehicle recycler or other person who removes mercury switches and requests payment for those switches under IC 13-20-17.7-6 is subject to inspection by the department to verify that only mercury switches are being sent for recycling.

(b) It is a violation of this article to submit a request for payment for convenience

switches that do not contain mercury. (*Solid Waste Management Board; 329 IAC 11.5-1-4*)

Page 2 **329 IAC 11.5-1-7** (*renumbered 329 IAC 11.5-1-5*)
Remove the second sentence beginning with “However ...” and ending with “... removed”.

Page 3 **329 IAC 11.5-2**
Remove Rule 2 as final adopted and insert the following:

Rule 2. Definitions

329 IAC 11.5-2-1 Definitions

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3; IC 13-20-17.7-7

Affected: IC 13-11-2; IC 13-20; IC 36-9-30

Sec. 1. The definitions in IC 13-11-2 and this rule apply throughout this article.
(*Solid Waste Management Board; 329 IAC 11.5-2-1*)

329 IAC 11.5-2-2 "Container" defined

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3; IC 13-20-17.7-7

Affected: IC 13-20; IC 36-9-30

Sec. 2. “Container” means the collection device provided to motor vehicle recyclers by the automobile manufacturers under the ELVS mercury minimization plan. (*Solid Waste Management Board; 329 IAC 11.5-2-3*)

329 IAC 11.5-2-3 “ELVS mercury minimization plan” defined

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3; IC 13-20-17.7-7

Affected: IC 13-20-17.7; IC 36-9-30

Sec. 3. The “ELVS mercury minimization plan” means the Mercury Minimization Plan dated September 27, 2006 that was submitted on behalf of motor vehicle manufacturers by the End of Life Vehicle Solutions Corporation (ELVS) under IC 13-20-17.7-1 and approved by the commissioner under IC 13-20-17.7-4 on January 25, 2007. (*Solid Waste Management Board; 329 IAC 11.5-2-3*)

Page 4 **329 IAC 11.5-3**
Remove Rule 3 as final adopted and insert the following:

Rule 3. Mercury Switch Removal, Storage, and Shipping Requirements

329 IAC 11.5-3-1 Mercury switch removal, storage, and shipping requirements

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3; IC 13-20-17.7-7

Affected: IC 13-20-17.7; IC 36-9-30

Sec. 1. (a) A person who removes mercury switches from end of life vehicles must do so in accordance with IC 13-20-17.7 and this article.

(b) A motor vehicle recycler who:

(1) uses the container provided under the ELVS mercury minimization plan to store and ship mercury switches, and

(2) follows the instructions provided with the container;

is considered to be in compliance with the universal waste rules in 329 IAC 3.1-16.
(*Solid Waste Management Board; 329 IAC 11.5-3-1*)

Page 4 **329 IAC 11.5-4 and 329 IAC 11.5-5**
Remove Rules 4 and 5.

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